

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JUNE 30, 1992  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:56 a.m.  
The meeting was recessed by Mayor O'Connor at 12:10 p.m.

The meeting was reconvened by Mayor O'Connor at 2:05 p.m. with no quorum present. A quorum was present at 2:15 p.m. with Council Member McCarty not present. Mayor O'Connor recessed the meeting at 4:12 p.m. to convene the Redevelopment Agency. Mayor O'Connor reconvened the meeting at 4:13 p.m. with Council Members Roberts, Hartley and Filner not present. Mayor O'Connor recessed the meeting at 4:14 p.m. to meet on Wednesday, July 1, 1992 at 2:00 p.m. in the 12th Floor Committee Room to discuss Item S403, approving in concept the issuance of up to \$400 million of refunding industrial development bonds (IDBs) for San Diego Gas & Electric Company.

ATTENDANCE DURING THE MEETING:

(M) Mayor O'Connor-present  
(1) Council Member Wolfsheimer-present  
(2) Council Member Roberts-present  
(3) Council Member Hartley-present  
(4) Council Member Stevens-present  
(5) Council Member Behr-present  
(6) Council Member Stallings-present  
(7) Council Member McCarty-present  
(8) Council Member Filner-present  
Clerk-Abdelnour/Fishkin (ll/mc)

FILE LOCATION: MINUTES

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ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor O'Connor-present  
(1) Council Member Wolfsheimer-not present  
(2) Council Member Roberts-present  
(3) Council Member Hartley-not present  
(4) Council Member Stevens-present  
(5) Council Member Behr-present  
(6) Council Member Stallings-present  
(7) Council Member McCarty-present  
(8) Council Member Filner-present

PUBLIC COMMENT:

ITEM-PC-3:

Comment by Ron Oliver of Center City Development Corporation acknowledging the astronomers from Palomar Observatory and their contributions to the reporting on the low/high sodium lighting.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A010-066.)

ITEM-PC-4:

Comment by Mel Shapiro regarding the City budget and requested that all salary information be included in the budget information available to the public.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A010-066.)

ITEM-PC-5:

Comment by Robert Reed acknowledging the Mayor and City Council members for their diligence and hard work in running the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A010-066.)

ITEM-PC-6:                      REFERRED TO CITY MANAGER

Comment by George Hart regarding his high sewage bill. He suggested that Council consider basing the sewage bill on the number of people in the home, square footage of the house, and number of bathrooms.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: C052-090.)

COUNCIL COMMENT:

None.

ITEM-330:

Last year the San Diego Unified School District filed a lawsuit against the City of San Diego alleging that the City abused its discretion in applying the IOZ to public school district property. On May 16, 1991, the Superior Court agreed with the School District, and ordered the City to remove IOZ from all school sites within the City of San Diego.

Removal of the IOZ does not affect the existing underlying zone, and in most cases the underlying zone will remain unchanged. In a few cases the Planning Department will be re-zoning only those school sites where the underlying zone does not conform with surrounding land uses. These re-zonings will be considered and noticed separately.

I. Removal of the Institutional Overlay Zone from all School Sites within the following communities of the City of San Diego:

1. Clairemont Mesa Community Plan Area;
2. Mid-City Community Plan Area;
3. Navajo Community Plan Area;
4. Skyline-Paradise Hills Community Plan Area;
5. Peninsula Community Plan Area;
6. University Community Plan Area;
7. Rancho Bernardo Community Plan Area;
8. Otay Mesa-Nestor Community Plan Area;
9. Midway/Pacific Highway Community Plan Area;

10. Golden Hill Community Plan Area;
11. San Ysidro Community Plan Area;

II. Re-zonings of sites in the Mid-City Community Plan Area.

1. Remove the Institutional Overlay Zone (IOZ) entirely from the Adams, Central, Edison, Franklin, Hamilton and Rolando Elementary School sites, and the Hoover High School Site;
2. Rezone the Adams Elementary School Site from MR-1500B to MR-2500 or R1-5000;
3. Rezone a portion of the Central Elementary School site from MR-1500B to CN-2;
4. Rezone a portion of the Edison Elementary School site from MR-1500B to CL-2;
5. Rezone the Franklin Elementary School Site from MR-1500B to R1-5000;
6. Rezone a portion of the Hamilton Elementary School site from MR-1500 to R1-40000;
7. Rezone a portion of the Rolando Elementary School site from R1-5000 to R1-40000, and apply the Hillside Review Overlay Zone (HR);
8. Rezone a portion of the Hoover High School site from MR-1500B to R1-5000.

III. Re-zonings of the Muir and Montezuma School sites:

1. Rezone the Muir Elementary School site (currently administrative offices) from MR-3000 to R1-5000;
2. Rezone the Montezuma Elementary School site from R1-5000 to R1-40000.

IV. Re-zonings of the Field Elementary, Marston Middle and Clairemont High School Sites:

1. Remove the Institutional Overlay Zone (IOZ) entirely from the Field Elementary, Marston Middle, and Clairemont High School sites;
2. Rezone the Field Elementary School site from R-3000 to R1-5000;
3. Rezone the Marston Middle School site from R-3000 to R1-5000;
4. Rezone the Clairemont High School site from R-3000 to R-5000.

V. Amendment to the San Ysidro Community Plan, Removal of the Institutional Overlay Zone and Rezonings to the Willow Road Elementary School Site.

1. Remove the Institutional Overlay Zone (IOZ) entirely from the school site;

2. Rezone the school site from A-1-1 and CO to R-3000, CT-2-3, or any combination thereof;
3. Apply the Community Plan Implementation Overlay Zone (CPIOZ) to the entire school site. A CPIOZ Type "B" Discretionary Permit would require that development of the school site for "non-school" purposes meet specific guidelines contained in the San Ysidro Community Plan.
4. Amend the San Ysidro Community Plan to add CPIOZ language to the text of the plan.

The proposed re-zonings to the Silver Gate Elementary, Sunset View Elementary and Willow Road Elementary school sites and the amendment to the San Ysidro Community Plan also constitute an amendment to the City of San Diego's Local Coastal Program. If approved by the City Council, the proposed Local Coastal Program amendment must be submitted to the California Coastal Commission for review and final approval. The proposed Local Coastal Program amendment would not become effective until after approval by the California Coastal Commission.  
(Citywide.)

Subitem-A: (R-92-1949) ADOPTED AS RESOLUTION R-280256

Adoption of a Resolution to amend the San Ysidro Community Plan (see V above).

Subitem-B: (O-92-153) INTRODUCED, TO BE ADOPTED JULY 13, 1992

Introduction of an Ordinance for removing the IOZ from all school sites within the City of San Diego (see I and II above).

Subitem-C: (O-92-159) INTRODUCED, TO BE ADOPTED JULY 13, 1992

Introduction of an Ordinance re-zoning Field Elementary School property to R1-5000.

Subitem-D: (O-92-160) INTRODUCED, TO BE ADOPTED JULY 13, 1992

Introduction of an Ordinance re-zoning Clairemont High School property to R1-5000.

Subitem-E: (O-92-161) INTRODUCED, TO BE ADOPTED JULY 13, 1992

Introduction of an Ordinance rezoning Marston Middle School property to R1-5000.

Subitem-F: (O-92-162) INTRODUCED, TO BE ADOPTED JULY 13, 1992

Introduction of an Ordinance rezoning Administrative Offices property to R1-5000.

Subitem-G: (O-92-163) NOTED AND FILED

Introduction of an Ordinance re-zoning Montezuma Elementary School property to R1-40000.

Subitem-H: (O-92-164) INTRODUCED, TO BE ADOPTED JULY 13, 1992

Introduction of an Ordinance re-zoning Willow Road Elementary School property from A1-1 to R-3000 (Coastal) (west portion).

Subitem-I: (O-92-165) INTRODUCED, TO BE ADOPTED JULY 13, 1992

Introduction of an Ordinance re-zoning Willow Road Elementary School property from CO to R-3000 (east portion).

Subitem-J: (O-92-166) INTRODUCED, TO BE ADOPTED JULY 13, 1992

Introduction of an Ordinance re-zoning Hoover High School property to R1-5000 (Monroe Ave. frontage only).

Subitem-K: (O-92-167) INTRODUCED, TO BE ADOPTED JULY 13, 1992

Introduction of an Ordinance re-zoning Hamilton Elementary School property to R1-40000 (Northeastern portion only).

Subitem-L: (O-92-168) CONTINUED TO JULY 7, 1992

Introduction of an Ordinance re-zoning Franklin Elementary School property to R1-5000.

Subitem-M: (O-92-169) CONTINUED TO JULY 7, 1992

Introduction of an Ordinance re-zoning Adams Elementary School property to MR-2500.

Subitem-N: (O-92-170) INTRODUCED, TO BE ADOPTED JULY  
13, 1992

Introduction of an Ordinance re-zoning Rolando Park  
Elementary School property to R1-40000/HR (Northwest  
portion only).

Subitem-O: (O-92-171) INTRODUCED, TO BE ADOPTED JULY  
13, 1992

Introduction of an Ordinance re-zoning Edison  
Elementary School property to CL-2 (portion).

Subitem-P: (O-92-172) INTRODUCED, TO BE ADOPTED JULY  
13, 1992

Introduction of an Ordinance re-zoning Central  
Elementary School property to CN-2 (portion).

ENVIRONMENTAL IMPACT: This project is exempt per section  
15061.B.3 of the State CEQA Guidelines.

FILE LOCATION: Subitem-A: LAND-San Ysidro Community Plan

COUNCIL ACTION: (Tape location: B058-384.)

Hearing began 11:40 a.m. and halted 12:05 p.m.

MOTION BY STALLINGS TO INTRODUCE SUBITEMS-C,D AND E. Second  
by McCarty. Passed by the following vote: Wolfsheimer-yea,  
Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea,  
Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY McCARTY TO INTRODUCE SUBITEMS-F AND N AND TO KEEP  
THE ZONING AT R1-5000 FOR SUBITEM-G. Second by Stallings.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

MOTION BY HARTLEY TO ADOPT SUBITEM-A; INTRODUCE  
SUBITEMS-B,H,I,J,K,O AND P; CONTINUE SUBITEMS-L AND M TO  
JULY 7, 1992 TO CLARIFY THE ZONING SPECIFICATIONS IN THOSE  
AREAS AND DEFINE THE LEGAL RAMIFICATIONS IF NOT DEFENSIBLE.  
Second by McCarty. Passed by the following vote:  
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,  
Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor  
O'Connor-yea.

ITEM-331: (R-92-2004) ADOPTED AS RESOLUTION R-280257

Matter of the approval of the Local Coastal Program Amendment for the previously approved and adopted Resource Protection Ordinance and authorizing the City Manager to transmit the amendment to the California State Coastal Commission.

Adoption of a Resolution approving the previously adopted Resource Protection Ordinance as amended as a Local Coastal Program amendment.

SUPPORTING INFORMATION: This action would adopt the Resource Protection Ordinance, as adopted and approved on February 19, 1991 by the City Council, as a Local Coastal Program Amendment. The action is required by the California State Coastal Commission prior to State review and certification of the LCP Amendment in accordance with the Public Resource Code. Resource Protection Ordinance (RPO) was adopted by the City Council in February 1989 and was most recently amended on February 19, 1991. The ordinance regulates actions in areas with sensitive resources. Currently the biological, historic, and prehistoric findings required by the Local Coastal Development regulations of the 1989 version of the RPO apply to areas within the Coastal Zone. Approval of the proposed LCP amendment will apply the February 19, 1991 version of the Resource Protection Ordinance within the Coastal Zone. The proposed LCP amendment must be transmitted and approved by the California State Coastal Commission prior to application of the revised regulations to the Coastal Zone.

FILE LOCATION: LAND-Local Coastal Program

COUNCIL ACTION: (Tape location: B388-389.)

Hearing began 12:05 p.m. and halted 12:05 p.m.

MOTION BY STEVENS TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.



ITEM-332:

Consider an Amendment to the City of San Diego Municipal Code, Chapter X, Article 1, Division 4, relating to the Hillside Review Overlay Zone, the Sensitive Coastal Resource Overlay Zone and the Resource Protection Ordinance (also known as Gunitite Regulations).

The ordinance amendments include revisions to the regulations for erosion control devices and adds specific standards for the use of air-placed concrete as an erosion control method.

The proposed amendments also constitute an amendment to the City's Local Coastal Program and must be submitted and approved by the California Coastal Commission. The proposed Local Coastal Program amendment would not become effective until after approval by the California Coastal Commission.

(City-wide.)

Subitem-A: (O-92-155) INTRODUCED AS AMENDED, TO BE  
ADOPTED JULY 13, 1992

Introduction of an Ordinance amending the San Diego Municipal Code, Section 101.0454, relating to erosion control methods for the Hillside Review Overlay Zone.

Subitem-B: (O-92-156) INTRODUCED AS AMENDED, TO BE  
ADOPTED JULY 13, 1992

Introduction of an Ordinance amending the San Diego Municipal Code, Section 101.0462, relating to erosion control methods for the Resource Protection Ordinance.

Subitem-C: (O-92-157) INTRODUCED AS AMENDED, TO BE  
ADOPTED JULY 13, 1992

Introduction of an Ordinance amending the San Diego Municipal Code, Section 101.0480, relating to erosion control methods for the Sensitive Coastal Resource Overlay Zone.

FILE LOCATION:

COUNCIL ACTION: (Tape location: D487-E549.)

Hearing began at 3:26 p.m. and halted at 4:11 p.m.

Testimony in favor by De Silva.

Testimony in opposition by Ben Hildyard, Walt Hall, Dave Odell and Jim Casey.

Motion by Wolfsheimer to introduce. No second.

MOTION BY WOLFSHEIMER TO INTRODUCE AS AMENDED AND COME BACK WITH ANY CORRECTIONS NECESSARY INCLUDING REMOVING THE WORD "EDGES" FROM THE LAST PARAGRAPH ON PAGE 3 OF THE SCR ORDINANCE TO READ: "5) ALL DRAINAGE FROM THE SITE SHALL BE DIRECTED AWAY FROM ANY BLUFF AND EITHER INTO AN EXISTING STORM DRAIN SYSTEM OR ONTO A STREET DEVELOPED WITH A GUTTER SYSTEM DESIGNED TO CARRY SURFACE RUN-OFF."; AT THE SECOND READING OF THE ORDINANCES, THE CITY MANAGER IS REQUESTED TO COME BACK TO COUNCIL WITH RECOMMENDATIONS ON HOW TO DEAL WITH THE PUBLIC IMPROVEMENT PROJECTS, WHICH WERE EXCLUDED FROM THESE ORDINANCES. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S403: (R-92-1709) TRAILED TO WEDNESDAY, JULY 1, 1992,  
2:00 P.M., COUNCIL COMMITTEE ROOM

(Continued from the meeting of June 23, 1992, Item 203, at Mayor O'Connor's request, for further review of the loan and trust agreements.)

Approving in concept the issuance of up to \$400 million of refunding industrial development bonds (IDBs) for San Diego Gas & Electric Company (SDG&E); authorizing the City Manager to return to the City Council with the Ordinance authorizing the issuance of the bonds for consideration at the June 29 and July 13, 1992, Council meetings.

(See City Manager Report CMR-92-194.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: C091-D477.)

Motion by Roberts to refinance the bonds with a provision that contains a reference to Section 103 of the City Charter. No second.

MOTION BY MCCARTY TO TRAIL THIS ITEM TO JULY 1, 1992, PRIOR TO THE COMMITTEE OF THE WHOLE MEETING. AT THAT TIME THE CITY ATTORNEY IS TO HAVE LANGUAGE PREPARED, TO BE INSERTED INTO THE LOAN AGREEMENTS, THAT WOULD INCLUDE REFERENCE TO SECTION 103 OF THE CITY CHARTER AND WOULD DELETE ALL REFERENCE TO AUTOMATIC MERGER TRANSFERS. Second by Mayor O'Connor. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S405: (R-92-2013) CONTINUED TO JULY 27, 1992

(Continued from the meeting of June 22, 1992, Item 204, at the City Manager's request, for full Council.)  
Amending Council Policy 900-3 regarding City-Owned Industrial Property.  
(See City Manager Report CMR-92-195.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: A072-B052.)

Motion by Roberts to adopt and establish a subcommittee of three Council members plus the Mayor to oversee the sale or lease of any property. Second by McCarty. Second withdrawn.

Motion by Roberts to amend the policy such that it reflects that the City is open to either a lease or a sale and unlike the policy is drafted now, is not constrained by saying it will only be this way in terms of a prevailing market price; we will entertain offers then make appropriate decisions. Another consideration will be negotiating with companies with some stability so they can provide employment to the people of the City. No second.

MOTION BY ROBERTS TO CONTINUE TO JULY 27, 1992 FOR STAFF TO COME BACK TO COUNCIL WITH A REPORT INDICATING A LIST OF CRITERIA THAT WOULD NARROW DOWN THOSE TIMES THAT THE CITY WOULD SELL PROPERTY, AS OPPOSED TO LEASING CITY-OWNED LAND, AND WHAT THE CRITERIA WOULD BE FOR ENTERING INTO THOSE SALE NEGOTIATIONS. Second by McCarty. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

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**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was recessed by Mayor O'Connor at 4:14 p.m. to meet on Wednesday, July 1, 1992, 2:00 p.m. in the Council Committee Room.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: E598.)